REMARKS

Claims 1-20 are all the claims presently pending in the application. Claims 1, 14, and 17 are amended to more clearly define the invention. Claims 1, 14, and 17 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Claims 1-7 and 14-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki, et al. (U.S. Patent No. 6,072,403) in view of Whorlow (U.K. Publication No. 2252783) and further in view of Losey (International Publication No. 0123230). Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki in view of Whorlow in view of Losey and further in view of Anzai, et al. (U.S. Patent No. 6,271,745). Claims 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki in view of Whorlow in view of Losey and further in view of Hama (U.S. Publication No. 2002/0042292). Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwasaki in view of Whorlow in view of Losey and further in view of Tanaka (U.S. Publication No. 2003/0043017).

Thesse rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as defined by, for example, independent claim 1, is directed to a door lock controller that includes a transmitter for transmitting a signal including a specific identification code, a receiver for receiving the signal from the transmitter, a request switch, which operates independently of a door handle, for prompting the receiver to listen for the signal, a control section that determines when the receiver does not receive the signal from the transmitter, a storage section for storing a cipher on the basis of an actuation of the request switch if said control section determines that the receiver does not receive the signal from the transmitter, and a door lock unlocking section that unlocks the door lock when a coincidence exists between a previously stored cipher and the cipher in the storage section.

Conventional door lock controllers require an operator to enter a cipher through actuation of an outer door handle in coordination with a beep. However, the operation of the door handle in this manner is easily observable and, therefore, subject to theft.

In stark contrast to these conventional door lock controllers, an exemplary embodiment of the present invention includes a door lock controller having a request switch that operates independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter. In this manner, the present invention enables safe unlocking of a door without risking theft of a cipher.

II. THE PRIOR ART REJECTIONS

A. The Iwasaki et al. reference in view of the Whorlow reference and in further view of the Losey reference

Regarding the rejection of claims 1-7 and 14-20, the Examiner alleges that the Whorlow reference would have been combined with the Iwasaki et al. reference and even further alleges that the Losey reference would have been combined with the Iwasaki et al. reference and the Whorlow reference to form the claimed invention. Applicants submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests a door lock controller having a request switch that operates independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter. As explained above, these features are important for enabling the safe unlocking of a door without risking theft of a cipher.

The Examiner alleges that the Iwasaki et al. reference discloses a request switch. In particular, the Examiner alleges that the starter switch 7 that is disclosed by the Iwasaki et al. reference corresponds to the claimed request switch. However, contrary to the Examiner's allegations, the Iwasaki et al. reference does not teach or suggest a request switch that operates independently of the door handle as recited by the independent claims.

Indeed, the Iwasaki et al. reference suffers from exactly the same problems which are addressed by the present invention. As explained in the Description of the Related Art section of the specification, a method of entering a cipher by actuating a door handle is

known. However, one of the problems with such a system is that the operation of a door handle is a large movement which may be easily observed and, as a result, simple observation of the operation of the door handle which is operated to enter a cipher will disclose the cipher to anyone observing the operation of the door handle.

The door unlocking device that is disclosed by the Iwasaki et al. reference suffers from this very same problem.

The starter switch 7, which the Examiner alleges corresponds to the claimed request switch, very clearly operates based upon the operation of the door handle. "At this time, in association with the pivotal movement of the door knob 19, the press member 26 is also pivoted; namely, the pressure receiving section 7a of the starter switch 7 is released from a pressed state. A start signal is then output to the transceiver 3."

In other words, operation of the starter switch 7 requires operation of the door handle, which is easily observable by anyone. Thus, the operation of the starter switch 7 suffers from exactly the same problem which is solved by the present invention. The request switch of the present invention operates independently of the door handle. In this manner, the operation of the request switch is not easily observable.

The Whorlow reference and the Losey reference do not remedy the deficiencies of the Iwasaki et al. reference.

Indeed, the Examiner does not allege that the Whorlow reference and the Losey reference teaches or suggests these features.

The Examiner admits that the Losey reference does not teach or suggest storing a cipher on the basis of the actuation of the request switch. The Losey reference also does not teach or suggest a request switch which operates independently of a door handle.

The Whorlow reference does not remedy the deficiencies of the Iwasaki et al. reference and the Losey reference.

Indeed, just like the Iwasaki et al. reference, the Whorlow reference discloses a system whereby a code may be entered based upon "a number of individual actuations of the control member or 'pulls' on the door handle."

Therefore, the Whorlow reference also suffers from the problems which are solved by the present invention. The Whorlow reference requires operation of the door handle to enter the code which is easily observable and, therefore, subject to theft.

In stark contrast, the present invention includes a request switch that operates independently of the door handle. In this manner, operation of the request switch is not easily observable because it does not require operation of the door handle to operate.

Moreover, Applicants submit that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

In particular, the Iwasaki et al. reference is concerned with a door knob being actuated to a position where the door locking mechanism is incapable of unlocking the door before the door unlocking system is able to receive and verify an identification signal received from a transmitter. (Col. 2, lines 10 - 19).

In contrast to the Iwasaki et al. reference, the Whorlow reference is concerned with the completely different and unrelated problem of obviating the need for an expensive and unsightly keypad. (page 1, lines 14-15).

In contrast to the Iwasaki et al. reference and the Whorlow reference, the Losey reference is concerned with the completely different and unrelated problem of balancing the

considerations of providing relatively easy access to a vehicle while providing enough safeguards to make the system secure and effective. (Page 2, lines 10 - 13).

One of ordinary skill in the art who was concerned with the problem of a door knob being actuated to a position where the door locking mechanism is incapable of unlocking the door before the door unlocking system is able to receive and verify an identification signal received from a transmitter as the Iwasaki et al. reference is concerned would not have referred to the Whorlow reference, and vice versa, because the Whorlow reference is concerned with the completely different and unrelated problem of obviating the need for an expensive and unsightly keypad.

Further, one of ordinary skill in the art who was concerned with the problem of a door knob being actuated to a position where the door locking mechanism is incapable of unlocking the door before the door unlocking system is able to receive and verify an identification signal received from a transmitter as the Iwasaki et al. reference is concerned or who was concerned with the completely different and unrelated problem of obviating the need for an expensive and unsightly keypad as the Whorlow reference is concerned with addressing would not have referred to the Losey reference because the Losey reference is concerned with the completely different and unrelated problem of balancing the considerations of providing relatively easy access to a vehicle while providing enough safeguards to make the system secure and effective. Thus, these references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-7 and 14-20.

B. The Iwasaki et al. reference in view of the Whorlow reference and in further view of the Losey reference and in yet further view of the Anzai et al. reference

Regarding the rejection of claims 8-9, the Examiner alleges that the Whorlow reference would have been combined with the Iwasaki et al. reference and even further alleges that the Losey reference would have been combined with the Iwasaki et al. reference and the Whorlow reference and yet further alleges that the Anzai et al. reference would have been combined with the Losey reference, the Iwasaki et al. reference, and the Whorlow reference to form the claimed invention. Applicants submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests a door lock controller having a request switch that operates independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter. These features are important for enabling the safe unlocking of a door without risking theft of a cipher.

As explained above, none of the Losey reference, the Iwasaki et al. reference, and the Whorlow reference teaches or suggests these features.

The Anzai et al. reference does not remedy the deficiencies of the Losey reference, the Iwasaki et al. reference, and the Whorlow reference.

The Anzai et al. reference discloses a keyless user identification and authorization system which relies upon a biometric identification of a user. The Anzai et al. reference very clearly does not teach or suggest a door lock controller having a request switch that operates

independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter.

Moreover, Applicants submit that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

In stark contrast to the Losey reference, the Iwasaki et al. reference, and the Whorlow reference, the Anzai et al. reference is concerned with the completely different and unrelated problem of requiring the carrying of a key or fob which can be lost, misplaced or damage, and which does not identify a particular person. (Col. 1, lines 62-67).

One of ordinary skill in the art who was concerned with the problem of a door knob being actuated to a position where the door locking mechanism is incapable of unlocking the door before the door unlocking system is able to receive and verify an identification signal received from a transmitter as the Iwasaki et al. reference is concerned, who was concerned with the problem of obviating the need for an expensive and unsightly keypad as the Whorlow reference is concerned with addressing, or who was concerned with the problem of balancing the considerations of providing relatively easy access to a vehicle while providing enough safeguards to make the system secure and effective as the Losey reference is concerned would not have referred to the Anzai et al. reference and vice-versa because the Anzai et al. reference concerned with the completely different and unrelated problem of requiring the carrying of a key or fob which can be lost, misplaced or damage, and which does not identify a particular person. Thus, these references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims

8-9.

C. The Iwasaki et al. reference in view of the Whorlow reference and in further view of the Losey reference and in yet further view of the Hama reference

Regarding the rejection of claims 10-11, the Examiner alleges that the Whorlow reference would have been combined with the Iwasaki et al. reference and even further alleges that the Losey reference would have been combined with the Iwasaki et al. reference and the Whorlow reference and yet further alleges that the Hama reference would have been combined with the Losey reference, the Iwasaki et al. reference, and the Whorlow reference to form the claimed invention. Applicants submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests a door lock controller having a request switch that operates independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter. These features are important for enabling the safe unlocking of a door without risking theft of a cipher.

As explained above, none of the Losey reference, the Iwasaki et al. reference, and the Whorlow reference teaches or suggests these features.

The Hama reference does not remedy the deficiencies of the Losey reference, the Iwasaki et al. reference, and the Whorlow reference.

Rather, the Hama reference merely discloses a wireless communication device for

transmitting/receiving radio wave signals on electric power generated by an electric power generation system using natural energy. ([0002]).

Clearly, the Hama reference does not teach or suggest anything at all that is even remotely related to a door lock controller having a request switch that operates independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter.

Moreover, Applicants submit that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

In stark contrast to the Losey reference, the Iwasaki et al. reference, and the Whorlow reference, the Hama reference is concerned with the problem of providing "a wireless communication device in which the need for any battery used in a transmitting device for transmitting control signals or data signals is eliminated so that electric power generated only from natural energy can be used and downsizing can be implemented, and which can reduce power consumption thereof by using very weak waves for which no license is required by the Radio Law in Japan." ([0013]).

One of ordinary skill in the art who was concerned with the problem of a door knob being actuated to a position where the door locking mechanism is incapable of unlocking the door before the door unlocking system is able to receive and verify an identification signal received from a transmitter as the Iwasaki et al. reference is concerned, who was concerned with the problem of obviating the need for an expensive and unsightly keypad as the Whorlow reference is concerned with addressing, or who was concerned with the problem of

balancing the considerations of providing relatively easy access to a vehicle while providing enough safeguards to make the system secure and effective as the Losey reference is concerned would not have referred to the Hama reference, and vice-versa, because the Hama reference is concerned with the completely different and unrelated problem of providing "a wireless communication device in which the need for any battery used in a transmitting device for transmitting control signals or data signals is eliminated so that electric power generated only from natural energy can be used and downsizing can be implemented, and which can reduce power consumption thereof by using very weak waves for which no license is required by the Radio Law in Japan." Thus, the references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 10-11.

D. The Iwasaki et al. reference in view of the Whorlow reference and in further view of the Losey reference and in yet further view of the Tanaka reference

Regarding the rejection of claims 12-13, the Examiner alleges that the Whorlow reference would have been combined with the Iwasaki et al. reference and even further alleges that the Losey reference would have been combined with the Iwasaki et al. reference and the Whorlow reference and yet further alleges that the Tanaka reference would have been combined with the Losey reference, the Iwasaki et al. reference, and the Whorlow reference to form the claimed invention. Applicants submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests a door lock controller having a request switch that operates independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter. These features are important for enabling the safe unlocking of a door without risking theft of a cipher.

As explained above, none of the Losey reference, the Iwasaki et al. reference, and the Whorlow reference teaches or suggests these features.

The Tanaka reference does not remedy the deficiencies of the Losey reference, the Iwasaki et al. reference, and the Whorlow reference.

Rather, the Tanaka reference merely discloses a vehicle theft prevention device which relies upon receiving an identification signal from a transmitter (step 502) before unlocking a door (step 504).

The Tanaka reference does not teach or suggest a door lock controller having a request switch that operates independently of the door handle and where the controller also stores a cipher that is based on the actuation of a request switch if a control section determines that a receiver does not receive a signal from a transmitter.

Moreover, Applicants submit that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

In stark contrast to the Losey reference, the Iwasaki et al. reference, and the Whorlow reference, the Tanaka reference is concerned with the problem of a lock control mechanism for both a door lock and a running lock are provided by the same remote controller. [0010].

One of ordinary skill in the art who was concerned with the problem of a door knob

being actuated to a position where the door locking mechanism is incapable of unlocking the door before the door unlocking system is able to receive and verify an identification signal received from a transmitter as the Iwasaki et al. reference is concerned, who was concerned with the problem of obviating the need for an expensive and unsightly keypad as the Whorlow reference is concerned with addressing, or who was concerned with the problem of balancing the considerations of providing relatively easy access to a vehicle while providing enough safeguards to make the system secure and effective as the Losey reference is concerned would not have referred to the Tanaka reference, and vice-versa, because the Tanaka et al. reference is concerned with the completely different and unrelated problem of a lock control mechanism for both a door lock and a running lock are provided by the same remote controller. Thus, the references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 12-13.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-20, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 6/16/06

James E. Howard, Esq.
Registration No. 39,715

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment After-Final Rejection Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Vernal U. Brown, Group Art Unit 2612 at fax number (571) 273-8300 this 16th day of June, 2006.

James E. Howard, Esq.
Registration No. 39,715